

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

September 15, 2016

David J. Bradley, Clerk of Court

United States of America

v.

WENDY KAY MYERS

Case No.

H 16-1353M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 11, 2016 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. Section 1344

Offense Description

Bank Fraud

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

U.S. Postal Inspector Keegan Martin

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/15/2016City and state: Houston, Texas

Judge's signature

Dena H. Palermo, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

No. 4:16-MJ-

Wendy Kay Myers

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Inspector K. Martin, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Beginning on or about January 31, 2016, in the Houston Division of the Southern District of Texas, **Wendy Kay Myers**, did knowingly and willfully execute, or attempt to execute a scheme and artifice to defraud a financial institution, namely Frost Bank, and to obtain, money funds, credits, assets, securities, or other property own by a financial institution, by means of false and fraudulent pretenses, representations, or promises, all in violation of 18 U.S.C. § 1344.

1. I am a United States Postal Inspector with the United States Postal Inspection Service, and have been so employed for four years. I am currently assigned to the Mail Theft/Violent Crimes Team for the Fort Worth Division, and I am responsible for investigating mail theft, robberies, burglaries, access device fraud, and identity theft cases involving the U.S. Mail.
2. On or about January 31, 2016, I was notified by J.W., that his wife K.P.W., had become a victim of identity theft. J.W. stated an unknown individual had opened multiple lines of credit in K.P.W.'s name. Additionally, numerous individuals in their

neighborhood had recently become victims of identity theft.

3. On or about January 31, 2016, K.P.W. discovered multiple accounts had been opened or attempted to be opened at Sears, Sam's Club, Wal-Mart, Ann Taylor, The Loft, Victoria Secret, Overstock.com and Beall's.

4. On or about February 1, 2016, I contacted G. Mitchell with Wal-Mart Global Investigations. Mitchell confirmed on or about January 31, 2016, a fraudulent Sam's Club account ending in 1963 had been opened in K.P.W.'s name. K.P.W.'s date of birth, driver's license number and social security number were used to open the fraudulent account. Mitchell advised an email address of KxxWxxxxx78@gmail.com had been included on the fraudulent account application. Mitchell provided video surveillance of a slim, white female with dark brown hair using K.P.W.'s fraudulent Sam's Club card ending in 1963. C. Lee with Wal-Mart Global Investigations provided me with the membership photograph for the Sam's Club account ending in 1963. Upon further

investigation into the case, I compared the Sam's Club membership photograph and store surveillance with the state issued driver's license photograph of **Wendy Kay Myers**. I was able to identify Wendy Kay Myers as the individual in the Sam's Club membership photograph and the store surveillance video.

5. I contacted the servicing company for Sam's Club and Wal-Mart, Synchrony Financial, and spoke with V. Selby. Selby confirmed account ending in 1963 was used three times on January 31, 2016, in Grand Prairie, Texas, in the amount of \$1,031.58.

Additionally, Selby confirmed on or about January 31, 2016, a Wal-Mart account was attempted in K.P.W.'s name, but declined. In an effort to open the fraudulent account, K.P.W.'s mailing address, phone number, date of birth, and social security number were provided. Additionally, the same fraudulent email of KxxWxxxxx78@gmail.com had been added to the application.

6. On or about February 5, 2016, I contacted Comenity Bank, who manages the credit program for Ann Taylor and The Loft. Comenity Bank advised a Loft store credit card ending in 9442 had been successfully opened in K.P.W.'s name on or about January 31, 2016. Comenity Bank advised the account had been applied for via a T-Mobile Android phone in Houston, Texas. Comenity Bank advised the same email address, KxxWxxxxx78@gmail.com, had been included on the fraudulent account application. Comenity Bank advised on or about February 1, 2016, three purchases totaling \$1,487.52 were made in Dallas, Texas on the Loft credit ending in 9442. Video surveillance was obtained from The Loft which identified a slim, white female with dark brown hair. The female was later identified as Wendy Kay Myers.

7. On or about February 3, 2016, K.P.W. advised her and J.W.'s Bank of America account was hacked after an unknown individual was able to bypass the fraud features established on the account. Bank of America advised a secondary email address of KxxWxxxxx78@gmail.com had been added to the bank account. On or about February 19, 2016, K.P.W. learned their Bank of America account had been hacked a second time,

attempts had been made to get copies of checks, the account password had been fraudulently changed and an email address of KWxxxxx78@gmail.com was added to the account. On or about February 22, 2016, suspects hacked J.W. and K.P.W. Bank of America account for a third time and unsuccessfully attempted to transfer \$1,775 through Western Union. On or about February 29, 2016, I was advised three withdrawals had been made in person on K.P.W. and J.W.'s. Bank of America account at three Houston, Texas Bank of America locations.

8. On or about February 10, 2016, the Verizon Wireless account in K.P.W.'s name was hacked at Sam's Club #8114 in Lafayette, LA. The Verizon Wireless account had four lines fraudulently added and phones purchased. One of the fraudulent lines added was 682-308-1039. On or about February 18, 2016, I spoke with Amanda at the Verizon store in Lafayette, LA. Amanda informed me an unknown male entered the store and attempted to active the phone assigned to number 682-308-1039. When informed the phone had been flagged as stolen, the male stated he had purchased it from a female.

Again on or about February 14, 2016, K.P.W.'s AT&T account was hacked and four new phone lines were added to the account.

9. On or about June 6, 2016, K.P.W. received notification from Dollar Car Rental to pay fines associated with Harris County Toll fees and red light camera violations from her May 15, 2016 through May 20, 2016 car rental. On or about June 7, 2016, I contacted Dollar Car Rental and was provided with a copy of the rental agreement. The rental

agreement listed K.P.W. home phone number as (832) 874-9196 and showed debit card ending in 8907 had been used to pay for the vehicle rental.

10. On or about June 8, 2016, K.P.W. received a demand letter from Turo. The letter threatened criminal and civil action against K.P.W. related to the rental of a 2013 Black Volkswagen Passat through Turo's car sharing marketplace. According to Turo, on or about February 19, 2016, an account was created using K.P.W.'s date of birth, Texas driver's license number and the email of KxxWxxxxx78@gmail.com. The Turo application also included the phone number for K.P.W. as (832) 874-9196, which was the same phone number provided on the fraudulent Dollar Car rental applications. K.P.W.'s fraudulent Turo account was used on two occasions to rent vehicles. According to Turo, K.P.W. account was used to rent the second vehicle, a 2013 Black Volkswagen Passat, from May 14, 2016 through May 17, 2016 from victim D.C. The transaction was paid for using a debit card ending in 8907, which was the same debit cards used for the Dollar Car rental. Victim D.C.'s son, C.C. met with the female who identified herself as K.P.W. in Houston, Texas and turned over the rented Volkswagen Passat.

After the vehicle failed to be returned, C.C. entered phone number (832) 874-9196 into Facebook, which linked the phone number to the account of Wendy Myers. Wendy Myers was contacted at (832) 874-9196 and stated she had given the vehicle to James W. Bryant, who took the vehicle to San Antonio. On or about June 6, 2016, San Antonio Police Department recovered the 2013 Black Volkswagen Passat registered to D.C.

11. On or about July 5, 2016, I conducted a BIN search and was able to determine the debit card ending in 8907 used to pay for both the Dollar Car rental and Turo rental returned to Woodforest Bank. I contacted Woodforest Bank and spoke with a bank investigator who confirmed the account ending in 8907 had been fraudulently opened in January 2016, in the name of K.P.W.

12. On or about July 27, 2016, Postal Inspector M. Martinez-Partida provided victim C.C. with a photo line-up. C.C. positively identified Wendy Kay Myers as the individual who presented herself as K.P.W. and rented the 2013 Volkswagen Passat through Turo.

13. On or about August 11, 2016, I was advised victim K.P.W. and J.W. had their Frost Bank account ending in 2912 compromised. I contacted J. Rasco, Vice President for Loss Prevention with Frost Bank regarding the fraudulent activity. Rasco advised a female entered the Frost Bank, Rice Village Branch located at 5925 Kirby Drive, Houston, Texas on August 11, 2016. The female filled out a withdrawal slip for Frost Bank account ending in 2912 and proceeded to remove \$200.00 by signing the name of the accountholder, K.P.W.. Video Surveillance of the transaction identified Wendy Kay Myers as the female who made the withdrawal. Frost Bank lost \$200 on the transaction and was at all times relevant a financial institution the deposits of which were insured by the Federal Deposit Insurance Corporation (FDIC).

14. On or about August 19, 2016, the Verizon Wireless account in K.P.W's name was hacked for a second time. According to Verizon, the suspects gained access to the account

by using K.P.W.'s social security number and changed the Verizon Wireless security PIN to prevent K.P.W. or J.W. from accessing the account. Additionally, the same email address of KxxWxxxxx78@gmail.com was fraudulently added to the Verizon account.

15. On or about August 24, 2016, K.P.W. learned her Experian credit report had been unfrozen for the second time. According to Experian, the account had been hacked and updated with phone number (713) 992-5098. The new phone number would be used by Experian to verify and new requests for credit.

16. On or about August 25, 2016, K.P.W. discovered an account had been fraudulently opened with PENFED credit union and the same email address of KxxWxxxxx78@gmail.com was added to the account. One of three phone numbers listed with PENFED Credit Union was (713) 332-5098. This was the same phone number updated by the suspect on the Experian credit freeze. According to resources available to law enforcement, phone number (713) 992-5098 returns to "Kay Myers". Kay is the middle name of Wendy Kay Myers.

17. On or about August 24, 2016, K.P.W. discovered a fraudulent change of address had been filed with the United States Postal Service. As an employee of the Postal Service, I was able to locate the fraudulent change of address and discovered all mail addressed to K.P.W. was forward to 4519 N Main Street, Houston, TX 77009, effective August 18, 2016. On or about September 8, 2016, K.P.W. received a rejected credit card application in her name that had 4519 N Main Street, Houston, TX 77009 listed as her

current address.

18. Based upon the foregoing facts and information, I submit there is probable cause to believe that Wendy Kay Myers, did knowingly and willfully execute, or attempt to execute a scheme and artifice to defraud a financial institution, namely Frost Bank, and to obtain, money funds, credits, assets, securities, or other property own by a financial institution, by means of false and fraudulent pretenses, representations, or promises, all in violation of 18 U.S.C. § 1344.



K. Martin
U.S. Postal Inspector

Sworn to before me, and subscribed in my presence on 9/15, 2016 at 1:35 p.m., at Houston, Texas.



DENA H. PALERMO
United States Magistrate Judge